

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA**

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In re:

**Jointly Administered**

EPIC Companies Midwest, LLC,  
EPIC Companies Midwest 2023, LLC,  
EPIC Employee, LLC,  
EOLA Capital, LLC, and  
EC West Fargo, LLC,

Bankruptcy No. 24-30281  
Bankruptcy No. 24-30282  
Bankruptcy No. 24-30283  
Bankruptcy No. 24-30284  
Bankruptcy No. 24-30285

Debtors.

Chapter 11

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**DEBTORS' NOTICE OF MOTION AND MOTION TO APPROVE SETTLEMENT**

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1. EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC, EPIC Employee, LLC, EOLA Capital, LLC, and EC West Fargo, LLC (collectively, the “Debtors”) hereby move the Court for an order pursuant to Fed. R. Bankr. P. 9019(a) approving a settlement between EPIC Companies Midwest, LLC (“EPIC Midwest”), EPIC Companies Midwest 2023, LLC (“EPIC Midwest 2023”) and JP Place, LLC (“JP Place”).

2. This Motion arises under 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 2002(a)(3) and 9019(a). This Motion is filed under Fed. R. Bankr. P. 9013, Local Rule 9013-1, and the Court’s Order Establishing Settlement Procedures (ECF No. 123). Notice of the hearing on this Motion is provided pursuant to the Court’s Order Limiting Notice Pursuant to Fed. R. Bankr. P. 2002(i) (ECF No. 124).

3. EPIC Midwest and JP Place are parties to an alleged, undocumented promissory note dated September 1, 2022 in the principal amount of \$291,000 (“Note 1”). EPIC Midwest and JP Place are also parties to an alleged promissory note dated February 1, 2024 in the principal amount of \$60,000, with a maturity date of February 1, 2027 and monthly interest payments at 7.5% (“Note 2”).

4. EPIC Midwest 2023 and JP Place are parties to an alleged promissory note dated September 15, 2022, in the principal amount of \$894,000, with a maturity date of October 1, 2026 and monthly interest payments at 5.75% (“Note 3”). EPIC Midwest 2023 and JP Place are also parties to an alleged promissory note dated February 1, 2024, in the principal amount of \$65,000, with a maturity date of February 1, 2027 and monthly interest payments at 5.75% (“Note 4”). Finally, EPIC Midwest 2023 and JP Place are parties to an alleged promissory note dated May 1, 2024, in the principal amount of \$10,000, with a maturity date of May 1, 2027 and monthly interest payments at 5.75% (“Note 5,” and together with Note 1, Note 2, Note 3, and Note 4, the “Notes”).

5. The Notes required JP Place to make monthly payments to EPIC Midwest and EPIC Midwest 2023 in the form of interest. In July 2024, JP Place ceased making its monthly payments to EPIC Midwest and EPIC Midwest 2023, who then asserted that a default occurred under the Notes.

6. JP Place disputes the validity of the Notes.

7. As of January 31, 2025, EPIC Midwest and EPIC Midwest 2023 assert that JP Place owed a total of \$1,427,357 under the Notes (the “Indebtedness”).

8. JP Place asserts an inability to pay the Indebtedness.

9. The parties engaged in informal settlement discussions and ultimately reached a resolution.

10. To avoid the costs and uncertainties of litigation, JP Place has offered to pay a total of \$250,000 to EPIC Midwest and EPIC Midwest 2023. In exchange for the \$250,000 payment, all obligations of JP Place under the Notes will be deemed fully satisfied. EPIC Midwest and EPIC Midwest 2023 have agreed to these terms pending Court approval.

11. The proposed agreement also includes certain consents and representations of EPIC Midwest and EPIC Midwest 2023 requested by JP Place:

- a. Consent to the surrender of the equity interest in JP Place held by EPIC Holdings II, LLC;
- b. Consent to a potential sale of two adjacent real estate parcels between JP Place and Perham Carpet, LLC;
- c. Agreement that notes between JP Place and EPIC Midwest 2023 that relate to an entity known as Arbor Courts, LLC are invalid and of no force and effect.

12. The Debtors believe that the costs of litigation will reduce the funds available to pay the claims of the estates if the dispute is not settled and JP Place has offered to pay the portion of the Indebtedness that JP Place has the ability to pay to EPIC Midwest and EPIC Midwest 2023. The Debtors investigated the requested consents and representations and believes that such consents and representations have no negative impact on the Debtors' estates. Thus, the Debtors believe the settlement is in the best interests of creditors.

13. The Debtors request that the Court approve the settlement described herein pursuant to Fed. R. Bankr. P. 9019(a).

**14. Any objection to the Motion must be filed with the Clerk of the United States Bankruptcy Court, whose address is Quentin N. Burdick Courthouse, 655 First Avenue North, Suite 210, Fargo, North Dakota 58102, and served upon the attorney whose name and address is listed below, by April 2, 2025, which is twenty-one (21) days from the date of the filing of this Motion. Any objections not filed and served may deemed waived and the Court may enter an order approving this settlement without further notice or hearing.**

Dated: March 12, 2025

*/e/ Steven R. Kinsella*

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**ATTORNEYS FOR DEBTORS**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA**

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**ORDER**

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On March 12, 2025, Debtors EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC, EPIC Employee, LLC, EOLA Capital, LLC, and EC West Fargo, LLC filed a Motion to Approve Settlement [Doc. \_\_\_\_] summarizing the settlement agreement between EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC, and JP Place, LLC. Debtors served notice of the motion. The Court received no objections. Based on the information provided by Debtors and the documents filed in this case, the Court finds that the proposed settlement is fair and equitable, reflects a balance of the risks of litigation with potential recovery and appears to be in the best interest of the bankruptcy estate. Therefore, **IT IS ORDERED** that the Motion to Approve Settlement is **GRANTED**. The settlement agreement summarized in the motion is **APPROVED**.

Dated this \_\_\_\_ day of March, 2025.

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Shon Hastings, Judge  
United States Bankruptcy Court